

The opinion in support of the decision being entered today was *not* written for publication and is *not* binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte GARRETT N. FORD

Appeal 2007-1716
Application 10/743,570
Technology Center 3600

Decided: May 17, 2007

Before DONALD E. ADAMS, LORA M. GREEN, and RICHARD M.
LEBOVITZ, *Administrative Patent Judges*.
Adams, *Administrative Patent Judge*.

DECISION ON APPEAL

This appeal under 35 U.S.C. § 134 involves claims 1-4 and 13-17, the only claims pending in this application. We have jurisdiction under 35 U.S.C. § 6(b).

INTRODUCTION

The claims are directed to a bushing (claims 13-17) and a stirrup comprising, *inter alia*, a bushing (claims 1-4). Claims 1, 13, and 15 are illustrative:

1. A stirrup comprising:
a carrier;
a holding member on said carrier for holding a strap;
a footrest joined to said carrier; and
a bushing mounted on said holding member;
wherein the bushing includes an inner sleeve adapted for snug connection with the holding member, longitudinal fins extending radially from the inner sleeve, and an outer sleeve connected to said fins.

13. A bushing for a stirrup holding member comprising:
an inner sleeve adapted for snug connection with the holding member;
an outer sleeve substantially concentric with the inner sleeve;
and
a plurality of longitudinal ribs connecting the inner and outer sleeves.

15. The bushing of claim 13, wherein said bushing is made of polyurethane.

The Examiner relies on the following prior art references to show unpatentability:

Bowman	US 3,515,417	Jun. 2, 1970
Hsi-Chang	US 6,220,004 B1	Apr. 24, 2001

This Merits Panel relies on the following reference:
(Webster's) Merriam-Webster's Collegiate Dictionary 154 (10th ed. 1998).

The rejections as presented by the Examiner are as follows:

1. Claims 13 and 14 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Bowman (Br. 4).
2. Claims 15-17 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Bowman (Br. 4).
3. Claims 1-4 stand rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Hsi-Chang and Bowman (Br. 4).

We reverse.

DISCUSSION

CLAIM INTERPRETATION

Claim 13 is drawn to a bushing. The Specification does not include a definition for the term “bushing.” Therefore, we interpret the term “bushing” as defined in a general purpose dictionary to mean a “removable cylindrical lining for an opening (as a mechanical part) used to limit the size of the opening, resist abrasion, or serve as a guide” (Webster’s). The bushing of claim 13 comprises three elements: (1) an inner sleeve adapted for snug connection with the stirrup holding member (e.g., the rod of a stirrup (Specification 4)), (2) an outer sleeve substantially concentric with the inner sleeve, and (3) a plurality of longitudinal ribs connecting the inner and outer sleeves.

Claim 1 is drawn to a stirrup. The stirrup comprises four elements: (1) a carrier; (2) a holding member on the carrier for holding a strap; (3) a footrest joined to the carrier; and (4) a bushing, as in claim 13, mounted on the holding member.

BOWMAN

Bowman teaches a self-centering bushing (Bowman, title).

Bowman's bushing is preferably made from a plastic material, e.g., nylon (Bowman, col. 1, ll. 30-31). Bowman's bushing has

an accurately formed inner bore to receive an accurately formed rod, pedestal or the like [(e.g., a holding member)] and the outer surface of the bushing being provided with a multiplicity of longitudinally extending spline [sic]-like members, the outer ends of which are adapted to contact the bore of the member in which the bushing is placed, the splines being flexible enough at their outer ends to make the bushing self centering relative to the bore of the hub.

(Bowman, col. 1, ll. 30-39.) Bowman's bushing does not contain an outer sleeve that is substantially concentric with the inner sleeve.

Bowman describes the use of the bushing in the base of a swivel chair (Bowman, col. 1, l. 63 – col. 2, l. 51). Bowman teaches that the bushing is placed in a disposed hub in the swivel chair's base where the inner bore of the bushing is positioned to receive a rod-like pedestal attached to the upper portion of the chair (*id.*).

Claims 13 and 14 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Bowman.

The Examiner finds that Bowman's bushing comprises an inner sleeve (bore) and a plurality of longitudinal fins (ribs) (Answer 3-4; Final Rejection 2). We agree that Bowman teaches, an inner sleeve and a plurality of longitudinal fins, two of the three limitations of Appellant's claim 13. As we understand the Examiner's argument, when Bowman's bushing is inserted in the disposed hub of a swivel chair's base, the disposed hub of the chair's base provides an outer sleeve for Bowman's bushing (*id.*).

Therefore, the Examiner is of the opinion that the disposed hub of the chair's base provides the third required element of Appellant's claim 13.

We appreciate the Examiner's construction of Appellant's claimed invention in light of Bowman. When interpreted broadly, the transitional phrase "comprising" opens the claim to read on elements that are not recited in Appellant's claim, e.g., a bushing together with a swivel chair base.

Georgia-Pacific Corp. v. United States Gypsum Co., 195 F.3d 1322, 1327, 52 USPQ2d 1590, 1595 (Fed. Cir. 1999).

However, as we have interpreted the term, a "bushing" is a removable cylindrical lining. As Appellant explains, "[a] bushing constitutes a discrete and distinct member. . ." (Br. 5). Therefore, to reach Appellant's claimed bushing, the prior art bushing must have all three of Appellant's claimed elements whether it is held in your hand or placed in the disposed hub of a swivel chair base. Bowman does not teach a bushing that contains an outer sleeve that is substantially concentric with the inner sleeve. Therefore, Bowman does not teach a bushing having the claimed structure.

Accordingly, we reverse the rejection of claims 13 and 14 under 35 U.S.C. § 102(b) as being anticipated by Bowman.

Claims 15-17 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Bowman.

Claims 15-17 depend from and further limit claim 13 to, *inter alia*, a bushing that is made of polyurethane (claims 15 and 16), or wherein the plurality of longitudinal ribs consists of four ribs (claim 17). As discussed above, Bowman fails to teach a bushing having all three elements of Appellant's claim 13. The Examiner offers no explanation as to why a person of ordinary skill in the art at the time the invention was made would

have found it prima facie obvious to add an outer sleeve to Bowman's self-centering bushing.

Therefore, for the reasons set forth above, we reverse the rejection of claims 15-17 under 35 U.S.C. § 103(a) as unpatentable over Bowman.

HSI-CHANG AND BOWMAN

Claims 1-4 stand rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Hsi-Chang and Bowman.

The Examiner finds that Hsi-Chang teaches a stirrup that comprises a bushing (Final Rejection 3; Answer 5). The Examiner finds that "Hsi-Chang is silent about the bushing includ[ing] an inner sleeve and longitudinal fins extending radially from the inner sleeve" (Final Rejection 3). To make up for the deficiencies in Hsi-Chang, the Examiner relies on Bowman as discussed above (*id.*). The Examiner finds that it would have been prima facie obvious to substitute the bushing of Hsi-Chang with a functionally equivalent bushing having inner sleeve and fins as taught by Bowman, since both types of bushing would perform to guide or reduce friction between elements (Answer 5).

As discussed above, Bowman fails to teach a bushing with an outer sleeve. Therefore, the rejection fails even if it would have been obvious to substitute Bowman's bushing for Hsi-Chang's bushing. Accordingly, we reverse the rejection of claims 1-4 under 35 U.S.C. § 103(a) as unpatentable over the combination of Hsi-Chang and Bowman.

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CONCLUSION

In summary, we reverse all grounds of rejection.

REVERSED

lbq

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Abbi

make a motion suggestive of burrowing: **SNUGGLE**, **NESTLE** (—ed against his back for warmth) — **bur-row-er** *n*
burstone *var* of **BUHRSTONE**
bur-ry \ˈbər-ē/ *adj* **bur-rier**, -**est** (15c) 1: containing burs 2: **PRICKLY** 3 of speech: characterized by a burr
bur-sa \ˈbər-sə/ *n*, *pl* **bur-sas** \-səz/ or **bur-sae** \-sē, -sē/ [NL, fr. ML, bag, purse — more at **PURSE**] (1803): a bodily pouch or sac; as a: a small serous sac between a tendon and a bone b: **BURSA** OF FABRICIUS — **bur-sal** \-səl/ *adj*
bursa of **Fa-bri-cius** \-fə-ˈbrē-sh(ē)-əs, -ˈbrī-, -s(ē)-əs/ [Johan C. Fabricius 1808 Dan. entomologist] (1945): a lymphoid organ that opens into the cloaca of birds and functions in B cell production
bur-sar \ˈbər-sər, -sār/ *n* [ML **bursarius**, fr. **bursa**] (13c): an officer (as of a monastery or college) in charge of funds; **TREASURER**
bur-sa-ry \ˈbər-sə-rē, -sār-sē/ *n*, *pl* -**ries** [ML **bursaria**, fr. **bursa**] (1695) 1: the treasury of a college or monastery 2 *Brit*: a monetary grant to a needy student: **SCHOLARSHIP**
burse \ˈbɜrs/ *n* [MF **bourse**, fr. ML **bursa**] (15c) 1 a: **PURSE** b: a square cloth case used to carry the corporal in a Communion service 2 *obs*: **EXCHANGE**, **BOURSE**
bur-si-tis \(\b)ˈbər-si-təs/ *n* [NL, fr. **bursa**] (1857): inflammation of a bursa esp. of the shoulder or elbow
burst \ˈbɜrst/ *vb* **burst** also **burst-ed**; **burst-ing** [ME **bersten**, fr. OE **berstan**; akin to OHG **berstan** to burst] *vi* (bef. 12c) 1: to break open, apart, or into pieces usu. from impact or from pressure from within 2 a: to give way from an excess of emotion (my heart will ~) b: to give vent suddenly to a repressed emotion (~ into tears) (~ out laughing) 3 a: to emerge or spring suddenly (~ out of the house) (~ onto the scene) b: **LAUNCH**, **PLUNGE** (~ into song) 4: to be filled to the breaking point (~ing with excitement) (a crate ~ing with fruit) ~ *vt* 1: to cause to burst 2: to force open (as a door) by strong or vigorous action 3: to produce by or as if by bursting — **burst** at the seams: to be larger, fuller, or more crowded than could reasonably have been anticipated
burst *n* (1610) 1 a: a sudden outbreak; esp: a vehement outburst (as of emotion) b: **EXPLOSION**, **ERUPTION** c: a sudden intense effort (a ~ of speed) d: the duration of fire in one engagement of the mechanism of an automatic firearm 2: an act of bursting 3: a result of bursting; esp: a visible puff accompanying the explosion of a shell
burst-er \ˈbɜrs-tər/ *n* (1611) 1: one that bursts 2: the celestial source of an outburst of radiation (as X rays)
bur-then \ˈbɜr-θən/ *var* of **BURDEN**
bur-weed \ˈbɜr-wēd/ *n* (ca. 1783): any of various plants (as a cockle-bur or burdock) having burry fruit
bury \ˈber-ē/ also **bur-ē** *vi* **bur-ied**; **bury-ing** [ME **burien**, fr. OE **byrgan**; akin to OHG **bergan** to shelter, Russ **berech** to spare] (bef. 12c) 1: to dispose of by depositing in or as if in the earth; esp: to inter with funeral ceremonies 2 a: to conceal by or as if by covering with earth b: to cover from view (buried her face in her hands) 3 a: to have done with (~ing their differences) b: to conceal in obscurity (buried the retraction among the classified ads) c: **SUBMERGE**, **ENGROSS** — usu. used with *in* (buried himself in his books) 4: to put (a playing card) out of play by placing it in or under the dealer's pack 5: to succeed emphatically or impressively in making (a shot) (~ a jumper) 6: to defeat overwhelmingly *syn* see **HIDE** — **bury** the hatchet: to settle a disagreement; become reconciled
bus \ˈbʊs/ *n*, *pl* **bus-es** or **bus-ess** often *attrib* [short for **omnibus**] (ca. 1909) 1 a: a large motor vehicle designed to carry passengers usu. along a fixed route according to a schedule b: **AUTOMOBILE** 2: a small hand truck 3 a: **BUS BAR** b: a set of parallel conductors in a computer system that forms a main transmission path 4: a spacecraft or missile that carries one or more detachable devices (as warheads)
bus *vb* **bused** or **bussed**; **bus-ing** or **bus-sing** *vi* (ca. 1909) 1: to travel by bus 2: to work as a busboy ~ *vt* 1: to transport by bus 2 a: **CLEAR** 4d (~ dishes) b: to remove dirty dishes from (~ tables)
bus bar *n* (1893): a conductor or an assembly of conductors for collecting electric currents and distributing them to outgoing feeders
bus-boy \ˈbʊs-boi/ *n* [omnibus busboy] (1913): a waiter's assistant; *specif*: one who removes dirty dishes and resets tables in a restaurant
bus-by \ˈbʊz-bi/ *n*, *pl* **busbies** [prob. fr. the name **Busby**] (1853) 1: a military full-dress fur hat with a pendent bag on one side usu. of the color of regimental facings 2: the bearskin worn by British guardsmen — not used by the guardsmen themselves
bush \ˈbʊʃ/ *n*, often *attrib* [ME; akin to OHG **busc** forest] (14c) 1 a: **SHRUB**; esp: a low densely branched shrub b: a close thicket of shrubs suggesting a single plant 2: a large uncleared or sparsely settled area (as in Australia) usu. scrub-covered or forested: **WILDERNESS** — usu. used with *the* 3 a *archaic*: a bunch of ivy formerly hung outside a tavern to indicate wine for sale b *obs*: **TAVERN** c: **ADVERTISING** (good wine needs no ~ — Shak.) 4: a bushy tuft or mass (a ~ of hair); esp: **BRUSH** 2a 5: **MINOR LEAGUE** — usu. used in *pl*.
bush *vi* (15c): to support, mark, or protect with bushes ~ *vt*: to extend like a bush: resemble a bush
bush *adj* (1595) 1: having a low-growing compact bushy habit — used esp. of cultivated beans (~ snap beans) 2: serving, occurring in, or used in the bush (~ planes)
bush *n* [D **bus** bushing, box, fr. MD **busse** box, fr. LL **buxis** — more at **BOX**] (1566) chiefly *Brit*: **BUSHING**
bush *adj* [short for **bush-league**] (1970): falling below acceptable standards: **UNPROFESSIONAL** (~ behavior)
bush baby *n* (1901): **GALAGO**
bush basil *n* (1597): a sweet basil of a cultivar with small leaves
bush-buck \ˈbʊʃ-bʌk/ *n*, *pl* **bushbucks** or **bushbucks** [trans. of Afrik **bosbok**] (1852): a small African striped antelope (*Tragelaphus scriptus*) esp. of sub-Saharan forests that has spirally twisted horns
bush clover *n* (ca. 1818): any of several usu. shrubby lespedezas
bushed \ˈbʊʃtəd/ *adj* (14c) 1: covered with or as if with a bushy growth 2 chiefly *Austral* a: lost esp. in the bush b: **PERPLEXED** 1, **CONFUSED** 3: **TIRED**, **EXHAUSTED**
bushed *adj* (1907): having a bushing
bush-el \ˈbʊ-shəl/ *n* [ME **buschel**, fr. OF **boisse**, fr. (assumed) OF **boisse** one sixth of a bushel, of Celt origin; akin to MLr **boss** breadth of the hand] (14c) 1: any of various units of dry capacity — see **WEIGHT**

table 2: a container holding a bushel 3: a large quantity: **LOT** (makes ~s of money)
bushel *vb* **bush-eled**; **bush-el-ing** \-ʃ(ə)-lɪŋ/ [prob. fr. G **bössein** to do poor work, to patch; akin to OE **bēatan** to beat] (ca. 1877): **REPAIR**
RENOVATE — **bush-el-er** \-ʃ(ə)-lār/ *n*
bush-fire \ˈbʊʃ-faɪr/ *n* (1832) *Austral*: an uncontrolled fire in a bushy area
Bushi-do \ˈbʊ-shi-dō, -bū-/ *n* [Jp **bushidō**] (1898): a feudal-military Japanese code of chivalry valuing honor above life
bush-ing \ˈbʊ-shɪŋ/ *n* (1839) 1: a usu. removable cylindrical lining for an opening (as of a mechanical part) used to limit the size of the opening, resist abrasion, or serve as a guide 2: an electrically insulating lining for a hole to protect a through conductor
bush jacket *n* [fr. its use in rough country] (ca. 1939): a long cotton jacket resembling a shirt and having four patch pockets and a belt
bush-land \ˈbʊʃ-land/ *n* (1827): **BUSH** 2
bush-league *adj* (1914): being of an inferior class or group of its kind
bush league *n* (1909): **MINOR LEAGUE** — **bush leaguer** *n*
bush-man \ˈbʊʃ-mən/ *n* (1785) 1 *cap* [modif. of obs. Afrik **boschje** man, fr. **boschje** (dim. of **bosch** forest) + Afrik **man**] a: a member of a group of short-statured peoples of southern Africa who traditionally live by hunting and foraging b: the Khoisan languages spoken by these people 2 a: **WOODSMAN** b chiefly *Austral*: a person who lives in the bush
bush-mas-ter \-mas-tər/ *n* (1826): a tropical American pit viper (*Lachesis mutus*) that is the largest New World venomous snake
bush-pig \ˈbʊʃ-pɪg/ *n* (1840): a wild usu. reddish to black pig (*Potamochoerus porcus*) of forests and scrubland of sub-Saharan Africa; a Madagascan that has much facial hair, long pointed ears, and a light colored mane along the top of the neck and back
bush pilot *n* (1936): a pilot who flies a small plane into remote areas
bush-rang-er \-rāŋ-jər/ *n* (1801) 1 *Austral*: an outlaw living in the bush 2: **FRONTIERSMAN**, **WOODSMAN** — **bush-rang-ing** \-jɪŋ/ *n*
bush shirt *n* [fr. its use in rough country] (1909): a usu. loose-fitting cotton shirt with patch pockets
bush-tit \-tɪt/ *n* (ca. 1889): a small gray titmouse (*Psaltirparus minimus*) of western No. America with light underparts that occurs in several geographic forms sometimes placed in separate species
bush-whack \ˈbʊʃ-wʌk/ *vb* [back-formation fr. **bushwhacker**] *vi* (1866): **AMBUSH**; broadly: to attack suddenly: **ASSAULT** ~ *vt*: to clear a path through thick woods esp. by chopping down bushes and low branches — **bush-whack-er** *n*
bushy \ˈbʊ-ʃē/ *adj* **bush-i-er**, -**est** (14c) 1: full of or overgrown with bushes 2: resembling a bush; esp: being thick and spreading
bush-i-ly \ˈbʊ-ʃē-lē/ *adv* — **bush-i-ness** \ˈbʊ-ʃē-nəs/ *n*
busi-ness \ˈbi-z-nəs, -nəz/ *n*, *pl* **busi-ness-es** (14c) 1: *archaic*: purposeful activity: **BUSINESS** 2 a: **ROLE**, **FUNCTION** (the human mind went about its ~ of learning — H. A. Overstreet) : an immediate task or objective: **MISSION** (what is your ~ here) : a particular field of endeavor (the best in the ~) 3 a: a usu. commercial or mercantile activity engaged in as a means of livelihood: **TRADE** (in the restaurant ~) b: a commercial or sometimes an industrial enterprise; also: such enterprises (the ~ district) c: **USU-** : **ENTERPRISE**; *also*: such enterprises (their ~ elsewhere) 4: **AFFAIR**, **DEALING**; *also*: **PATRONAGE** (took their ~ as usual) 5: **CREATION**, **MATTER** (the whole ~ got out of hand) (~ as lighting a cigarette) by **CONCOCTION** 6: movement or action (as lighting a cigarette) by actor intended esp. to establish atmosphere, reveal character, or explain a situation — called also *stage business* 7 a: personal concern (none of your ~) b: **RIGHT** (you have no ~ speaking to me that way) 8 a: serious activity requiring time and effort and usu. the avoidance of distractions (got down to ~) (she means ~) b: maximum effort 9 a: a damaging assault b: **REBUKE**, **TONGUE-LASHING** c: **DOUBT**
CROSS 10: a bowel movement — used esp. of pets
syn **BUSINESS**, **COMMERCE**, **TRADE**, **INDUSTRY**, **TRAFFIC** mean activity concerned with the supplying and distribution of commodities. **BUSINESS** may be an inclusive term but specifically designates the activity of those engaged in the purchase or sale of commodities or in relation to financial transactions. **COMMERCE** and **TRADE** imply the exchange in transportation of commodities. **INDUSTRY** applies to the producing of commodities, esp. by manufacturing or processing, usu. on a large scale. **TRAFFIC** applies to the operation and functioning of public carriers of goods and persons. *syn* see in addition **WORK**
business administration *n* (ca. 1911): a program of studies in a college or university providing general knowledge of business principles and practices
business card *n* (1840): a small card bearing information (as name and address) about a business or business representative
business cycle *n* (1919): a cycle of economic activity usu. consisting of recession, recovery, growth, and decline
business end *n* (1878): the end with, from, or through which a thing's function is fulfilled (the business end of a revolver)
busi-ness-like \ˈbi-z-nəs-lɪk, -nəz-/ *adj* (1791) 1: exhibiting qualities believed to be advantageous in business 2: **SERIOUS**, **PURPOSEFUL**
busi-ness-man \-mən, -mən/ *n* (1826): a man who transacts business esp: a business executive
busi-ness-peo-ple \-pē-pəl/ *n* *pl* (1865): persons active in business
busi-ness-per-son \-pɜr-sən/ *n* (1974): a businessman or businesswoman
business suit *n* (1870): a man's suit consisting of matching coat and trousers and sometimes a vest
busi-ness-wom-an \-wū-mən/ *n* (1844): a woman who transacts business; esp: a female business executive
bus-ing or **bus-sing** \ˈbʊ-sɪŋ/ *n* (1923): the act of transporting by bus; *specif*: the transporting of children to a school outside their residential area as a means of establishing racial balance in that school
busk-er \ˈbʊs-kər/ *n* [**busk**, prob. fr. *It* **buscare** to procure, gain, fr. **buscar** to look for] (1857) chiefly *Brit*: a person who entertains esp. by playing music on the street — **busk** \ˈbʊsk/ *vb*
bus-kin \ˈbʊs-kən/ *n* [prob. modif. of MF **brozequin**] (1503) 1: a laced boot reaching halfway or more to the knee 2 a: **COTHURNUS** b: **TRAGEDY**; esp: tragedy resembling that of ancient Greek drama
bus-load \ˈbʊs-lɒd/ *n* (1938): a load that fills a bus (~s of tourists)
bus-man's holiday \ˈbʊs-mən-z/ *n* (1893): a holiday spent in following or observing the practice of one's usual occupation

Notice of References Cited

Application/Control No.

10/743,570

Applicant(s)/Patent Under
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U.S. PATENT DOCUMENTS

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